

**III.
Causes of Action**

A. Excessive Force

City Defendants deny the allegations in Paragraphs 9 – 10.

B. Due Process

City Defendants admit the allegations in Paragraph 11.

City Defendants deny the allegations in Paragraph 12.

City Defendants lack sufficient information to admit or deny the allegations in Paragraphs 13 and 14.

C. Americans with Disabilities Act

City Defendants deny the allegations in Paragraphs 15 and 16.

D. Negligence

City Defendants lack sufficient information to admit or deny the allegations in Paragraphs 17 -19.

**IV.
Damages**

City Defendants deny the allegations in Paragraph 20.

**V.
Jury Demand**

City Defendants lack sufficient information to admit or deny allegations in Paragraph 21.

**VI.
Attorney's Fees**

City Defendants deny the allegations in Paragraph 22.

Conclusion

City Defendants deny Plaintiff is entitled to the relief pled.

AFFIRMATIVE DEFENSES

City Defendants assert the affirmative defense of qualified/official immunity for employee actions taken in the course and scope of employment with the City of Austin.

City Defendants assert the affirmative defense of governmental immunity.

City Defendants assert the affirmative defense of Plaintiff's contributory/comparative negligence.

City Defendants assert the affirmative defense of the protections and limitations of the Texas Tort Claims Act, including the limitation on amount of liability, §101.023, *Tex.Civ.Prac.&Rem.Code*.

City Defendants assert the affirmative defense that medical and health care expenses, if any, are limited to that amount actually paid or incurred by or on behalf of Plaintiff. *Tex.Civ.Prac.&Rem.Code. §41.0105*.

City Defendants reserve the right to assert additional affirmative defenses as they become apparent.

PRAYER

WHEREAS, City Defendants pray that Plaintiff's claims be dismissed, and for attorney's fees, costs, and whatever relief they are entitled at law or equity.

RESPECTFULLY SUBMITTED,

ANNE L. MORGAN, CITY ATTORNEY
MEGHAN L. RILEY, CHIEF, LITIGATION



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ATTORNEYS FOR CITY DEFENDANTS

CERTIFICATE OF SERVICE

This is to certify that I have served the foregoing on all parties or their attorneys of record,
in compliance with the Federal Rules of Civil Procedure, this 5th day of January, 2020.

Via CM/ECF:

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